

**United States Bankruptcy Court
Western District of Missouri**



**NOTICE OF REVISIONS TO LOCAL RULES OF PRACTICE RELATED TO
EXHIBIT FILING AND NOTICE OF PUBLIC COMMENT PERIOD**

The Court is considering local rule changes that will require exhibits to be filed via CM/ECF in their entirety. Under the proposed rules, attorneys will no longer exchange hard copies of exhibits or provide those to the Court. Additional local rule revisions are required to implement this change and to make related rules consistent. For example, references to page limitations on exhibits will be removed, and there will be clarification that properly redacted exhibits must be filed in their entirety. If you have comments or concerns on these changes, please submit them as directed below.

Comments will be accepted through June 1, 2015

Please email questions or comments to:

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The revised Local Rules of Practice include:

1. Local Rule 3001-1 *Proofs of Claim.*
2. Local Rule 3084-1A *Chapter 13 Proofs of Claim; Objections to Claims.*
3. Local Rule 7016-1 *Pre-Trial Procedures.*
4. Local Rule 9013-1B *Motion Practice.*
5. Local Rule 9040-1 *Exhibits and Attachments.*
6. Local Rule 19013-1C *Motion Practice and Service* [Regarding Pro Se Filers]

1. PROPOSED REVISION – LOCAL RULE 3001-1 PROOFS OF CLAIM

Rule 3001-1. Proofs of Claim

A. Form. Proofs of Claim may be filed with the Court electronically and shall conform substantially to the Official Form. Legible exhibits in support of the claim, if any, shall be properly redacted and filed in their entirety.

B. Service of Proofs of Claim.

1. Proofs of Claim – with Exhibits. Debtor's attorney and trustee will receive service by electronic means. If the debtor is pro se, the claim and exhibits shall be served by the filing party conventionally.

2. Proofs of Claim in Chapter 13 cases. Proofs of Claim in Chapter 13 cases are subject to the requirements of Local Rule 3084-1.

C. Transferred Claims. Any assignment or evidence of transfer of a claim filed after a Proof of Claim has been filed must include:

1. the amount of the claim;
2. the name of the original creditor (transferor);
3. the name and address of the transferee; and
4. a waiver of notice by the transferor if applicable.

2. PROPOSED REVISION – LOCAL RULE 3084-1A CHAPTER 13 PROOFS OF CLAIM; OBJECTIONS TO CLAIMS.

Rule 3084-1. Chapter 13 Proofs of Claim; Objections to Claims

A. Filing and Service. Chapter 13 Proofs of Claim may be filed electronically with the Clerk. Legible exhibits in support of the claim, if any, shall be properly redacted and filed in their entirety. Debtor's attorney and trustee will receive service by electronic means. If the debtor is pro se, the claim, with attachments, shall be served by the filing party conventionally, including any notice of transfer of claim, as required by Fed. R. Bankr. P. 3001(e).

3. PROPOSED REVISION – LOCAL RULE 7016-1 PRE-TRIAL PROCEDURES

Rule 7016-1. Pre-Trial Procedures

A. Trial Date. The trial date is generally set when the adversary complaint is filed and will be stated on the summons. Parties may request an earlier trial date.

B. Pretrial Period. In an adversary action, parties generally will be given 60 days to complete pretrial procedures which may be adjusted for cause.

C. Pretrial Conference; Scheduling Order. Discovery and pretrial conferences, and orders scheduling discovery may be set by the Court or on request of a party. If the Court determines that the Conference of Parties and Discovery Plan specified in Fed. R. Civ. P. 26(f) should be required in a

particular proceeding, the Court shall enter a scheduling order as contemplated by Fed. R. Civ. P. 16(b). Plaintiff shall serve the pretrial order, summons, and complaint on all parties unless otherwise ordered. The attorney who will handle the trial shall participate in all conferences unless excused by the Court. Counsel must have authority to agree to uncontroverted facts and to the scope and scheduling of discovery.

D. Witnesses. Not later than three business days before trial, or as set forth in a pretrial order, parties shall electronically file and serve a witness list.

E. Exhibits. Not later than three business days before trial, or as set forth in a pretrial order, parties shall electronically file and serve an exhibit index, and mark and electronically file and serve all trial exhibits.

1. **Paper copies.** Unless otherwise ordered, it is not necessary to provide paper copies of the exhibit index or exhibits to the Court. However, paper copies should be available for use by witnesses at trial.
2. **Filing order.** The exhibit index shall be filed first as the main document, using the approved Local Form (See Local Form MOW 7016-1.1). Individual marked and redacted exhibits shall then be filed, in their entirety, as attachments to the exhibit index. The exhibit index shall describe all exhibits with sufficient detail to allow for easy identification during trial.
3. **Marking and redaction.** All exhibits shall be marked before filing. Plaintiff/movant exhibits will be marked with numbers, and defendant/respondent exhibits will be marked with letters. All exhibits shall also be properly redacted before filing pursuant to Fed. R. Bankr. P. 9037, or other applicable law.
4. **Exhibits unsuitable for electronic filing.** Parties may move the Court for a waiver of the electronic filing requirement for exhibits unsuitable for such filing.
5. **Non-Compliance.** The Court may exclude evidence not filed in accordance with this rule.

4. PROPOSED REVISION – LOCAL RULE 9013-1B MOTION PRACTICE

B. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, affidavits and other pertinent documents shall be filed as exhibits to the motion. Opposing counsel and trustee will receive service by electronic means. If the debtor is pro se, paper copies of affidavits and other pertinent documents shall be served by the filing party conventionally.

5. PROPOSED REVISION – LOCAL RULE 9040-1 EXHIBITS AND ATTACHMENTS

Rule 9040-1. Exhibits and Attachments

Except as otherwise provided or permitted by these Rules, documents and proofs of claim shall be filed in their entirety. Opposing counsel and trustee will receive service by electronic means. If the debtor is pro se, paper copies of exhibits or attachments shall be served by the filing party conventionally. For service requirements on Proofs of Claim, see Local Rules 3001-1B and 3084-1A.

6. PROPOSED REVISION – LOCAL RULE 19013-1C MOTION PRACTICE AND SERVICE

C. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, affidavits and other pertinent documents shall be filed as exhibits to the motion. Opposing counsel and trustee will receive service by electronic means. If an opposing party is pro se, paper copies of affidavits and other pertinent documents shall be served by the filing party conventionally.